

Return Address:

Shawn R. MacPherson
430 NE Everett Street
Camas, WA 98607

DECLARATION OF COVENANTS

Grantor: Port of Camas-Washougal, a Washington municipal corporation
Grantee: Port of Camas-Washougal, a Washington municipal corporation
Legal Description (abbrev.):
Tax Parcel ID #:

This Declaration of Covenants made and executed this date by the Board of Commissioners of the Port of Camas-Washougal, a Washington municipal corporation, hereinafter referred to as "Port",

WITNESSETH:

WHEREAS, Port owns certain real property situate in Clark County, Washington, more particularly described in Exhibit "A", ~~of which is encompassed~~ describing an area known as the "Parker's Landing Historical Park", hereinafter referred to as "Park"; and

WHEREAS, the Park has been maintained by the Port under the Port's authority to operate such facilities when those facilities are necessary to more fully utilize boat landings and harbors pursuant to RCW 53.08.260; and

WHEREAS, the Port established the Parker's Landing Park Advisory Committee in 1985 to act as an advisory body to the Board of Commissioners relating to Park issues; and

WHEREAS, issues concerning the size, location and use of the Park site have been raised from time to time since the site was nominated to the National Register in 1976, and the actual area of archaeological significance on the site is unclear at this time; and

WHEREAS, regardless of these issues, the Commissioners of the Port have consistently held that no development will occur on the Park site unless and until extensive public input is obtained; and

WHEREAS, to that end, in 1985 the Board of Commissioners signed a Position Statement indicating that the Park property would not be used for other than present recreational uses unless the public were notified and provided an opportunity for a hearing on any proposed change; and

WHEREAS, there appear to be no State law restrictions on development of the Park area as relates to historic preservation; and

WHEREAS, the placement of the Park on the National Registry proposes no restrictions under Federal law on the development or sale of the site; and

WHEREAS, despite the absence of State and Federal law restrictions, the Board of Commissioners desire to reiterate their strong support for continuation of the Park area and provide the public with the opportunity to comment on any proposed change in the area's use and condition; and

WHEREAS, the Board of Commissioners further desire to impose a requirement that in any future development scheme the historical significance of the site be recognized in a manner acceptable to the public and to the Board, after public hearing relating to any future development plan;

WHEREFORE, the Port subjects all of the real property described in Exhibit "A" to the following covenants, subject to the limitations contained in this Declaration.

1. The real property described in Exhibit "A" shall be maintained in perpetuity as the "Parker's Landing Historical Park" and shall not be developed for commercial or industrial purposes inconsistent with its use as a park, subject to the exceptions set forth herein.

1-2. The real property described in Exhibit "A" shall not be sold without the Port first amending its Comprehensive Plan, according to law, and otherwise complying with the conditions set forth within this Declaration.

2-3. The real property described in Exhibit "A" shall not be leased without the Port first complying with the conditions as set forth in this Declaration.

3-4. In the event the Board of Commissioners determine that there is a potential for a sale or lease of the area described in Exhibit "A" then the Board shall publish a public notice describing in general terms the sale or lease and a general description of the development scheme as proposed. Said Notice shall be published one time per week for two consecutive weeks in the Camas-Washougal Post-Record newspaper.

4-5. The Notice shall further provide for a public comment period of 30 days following the date of first publication of the Notice of Hearing. During this comment period the Port shall solicit written comments from the public relating to the sale or lease terms and the

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proposed development scheme.

5-6. At the public hearing the Port shall consider comments from the public relating to the sale or lease terms and the proposed development scheme. The Board shall not approve any changes in the use or condition of the property described in Exhibit "A" without first notifying the public in the manner set forth herein and providing an opportunity for hearing on the public's views on the proposed change.

6-7. As a further covenant, in any development scheme as part of a proposed sale or lease of the property described in Exhibit "A" the Port shall set aside a portion of the property and provide such memorials as may be deemed appropriate to recognize the historical nature of the site. The Board may commission one or more advisory committees to assist in this process but in no event shall any development scheme be approved which does not include a form of recognition of the historical nature of the site.

7-8. Upon any sale of all or a part of the real property described in Exhibit "A" then the covenants as described herein shall cease and be of no further force and effect.

8-9. Upon any lease of all or a portion of the real property described in Exhibit "A" then the covenants as described herein shall remain in full force and effect.

9-10. The covenants as set forth herein shall not run with and bind the land as described and do not create a private right of action for damages or other remedies in law or equity.

10-11. In the event any provision of this Declaration shall be held by a Court of competent jurisdiction to be invalid or void, such invalidity or voidance shall in no way affect any other covenant contained in this document.

11-12. Any modification or amendment to the covenants as described herein shall be made following a public hearing with the Notice of Public Hearing to include the form of the proposed modification and which shall be published one time per week for two consecutive weeks in the Camas-Washougal Post-Record newspaper.

DATED this ___ day of _____, 2008.

Alan Hargrave

Jim Carroll

Bill Ward